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FEDERAL BUREAU

of

INVESTIGATION

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Transfer-Call 421

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28534

March 15, 1965

GENERAL INVESTIGATIVE DIVISION

Civil Rights Division of Department
being advised.

Title 18, Section 242, is the police
brutality statute.

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[Handwritten initials]
JWH/cac

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAR 15 1965

TELETYPE

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. DeLoach	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FBI WASH DC

FBI SELMA

11:55AMCST URGENT 3-15-65 MFH

TO DIRECTOR

FROM SAC MOBILE (SELMA) 44-NEW

FRANK BARR; CHARLES MC MILLAN, SELMA POLICE DEPARTMENT
OFFICERS, SELMA, ALABAMA; REHMOND FAILS DASH VICTIM, CR.

DURING THE COURSE OF INVESTIGATION CONCERNING THE GASSING
AND DISPERSAL OF NEGROES ON MARCH SEVEN LAST BY ALABAMA STATE
TROOPERS, DEPUTIES AND POSSE MEMBERS OF DALLAS COUNTY SHERIFF'S
OFFICE, VARIOUS INDIVIDUALS WERE INTERVIEWED CONCERNING
INJURIES SUSTAINED DURING THE DISPERSAL.

VICTIM WAS INTERVIEWED AT GOOD SAMARITAN HOSPITAL AND IT
WAS ASCERTAINED THAT HE WAS NOT CONNECTED WITH THE DISPERSAL ON
HIGHWAY EIGHTY EAST, SELMA, HOWEVER, ALLEGEDLY WAS STRUCK BY
CAPTIONED POLICE OFFICERS WHEN HE RESISTED ARRESTED IN THE AREA OF
BROWN CHAPEL AME CHURCH ON MARCH SEVEN LAST.

VICTIM HAS BEEN INTERVIEWED AND STATEMENT OBTAINED FROM
HIM, HOWEVER, HE DID NOT SIGN STATEMENT. INVESTIGATION BEING
INSTITUTED AT PRESENT TIME IN NEW CASE WHICH MAY POSSIBLY BE VIOLATION
TITLE EIGHTEEN, SECTION TWO FOUR TWO.
END.

WA... RPP

MAR 25 1965

TU

21 MAR 18 1965

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MOBILE (SELMA)	OFFICE OF ORIGIN MOBILE	DATE 3/22/65	INVESTIGATIVE PERIOD 3/15/65 - 3/22/65
TITLE OF CASE CHANGED: FRANK BARR; CHARLES MC MILLIAN, SELMA POLICE DEPARTMENT OFFICERS, SELMA, ALABAMA; REHMOND FAILS - VICTIM		REPORT MADE BY SA JOHN H. LUPTON	TYPED BY ls
		CHARACTER OF CASE CR	

Title is marked changed to reflect the name CHARLES MC. MILLIAN, and to delete name CHARLES McMILLIAN as developed through investigation.

REFERENCE: Mobile tel to Bureau, 3/15/65.

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ADMINISTRATIVE:

All persons interviewed in this matter were advised the investigation was being conducted at the request of JOHN DOAR, Assistant Attorney General, Head of Civil Rights Division, U. S. Department of Justice.

- A* -
COVER PAGE

APPROVED	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW
COPIES MADE: 2- Bureau 1- USA, Mobile 1- Mobile (44-1235)		44-28534-2 8 MAR 25 1965 REC-37 EX-101 DEPT OF JUSTICE RECEIVED 100 of synopsis to permit
DISSEMINATION RECORD OF ATTACHED REPORT		
AGENCY	100 CIP	
REQUEST RECD.		
DATE FWD.	3-26-65	
HOW FWD.	6 APR 1965	
BY	5 APR 1965	

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1- USA, Mobile

Report of: SA JOHN H. LUPTON
Date: 3/22/65

Office: MOBILE (SELMA)

Field Office File No.: 44-1235

Bureau File No.:

Title: FRANK BARR;
CHARLES MC MILLIAN,
SELMA POLICE DEPARTMENT OFFICERS,
SELMA, ALABAMA;
REHMOND FAILS - VICTIM

Character: CIVIL RIGHTS

Synopsis:

Victim REHMOND FAILS sustained head injuries during dispersal of Negroes on March 7, 1965, at Selma, Alabama. Victim interviewed at Good Samaritan Hospital, March 8, 1965, and advised he was injured by Selma Police Department Officers when he resisted arrest in the area of Water and Broad Streets, Selma, on March 7, 1965. Victim refused to sign statement and admitted consuming $\frac{1}{2}$ pint alcohol in 2 hour period immediately prior to arrest. Signed statements of subjects set out and information verified by Selma Safety Director Captain J. WILSON BAKER who observed the incident. Victim charged with failure to obey lawful command of officer as well as assault and battery on Officer FRANK BARR. Departmental Attorney FRANK DUNBAUGH on scene at Selma advised on March 22, 1965, he does not desire any additional investigation at this time.

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DETAILS:

Investigation predicated upon interview of victim REHMOND FAILS at Good Samaritan Hospital, Selma, Alabama, in connection with injuries he allegedly received during dispersal of persons engaged in Civil Rights march on March 7, 1965.

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REHMOND FAILS, a patient at Good Samaritan Hospital, 1107 Voeglin St., after being advised of the identity of the interviewing Agents and the purpose of the investigation, furnished the following information.

Approximately 3:30 PM, March 7, 1965, he departed his residence with his wife and proceeded on foot to the Thirsty Boy Cafe on Broad Street, Selma, Ala., where his wife is employed. After leaving his wife at the Thirsty Boy he proceeded to Washington St., and Selma Ave., where he noticed ambulances in the vicinity of Washington and Water Streets. When he arrived at the corner of Washington and Water he observed one of the ambulance attendants ask the people gathered in the area for aid in assisting the tear-gas victims across the Edmund Pettus Bridge. Feeling he could be of some assistance, FAILS decided to go to the Bridge. As he started to cross Water Street he was summoned by a uniformed officer of the SPD who asked him what he was doing. When FAILS responded he was going to the assistance of the people across the bridge he was told he was under arrest. He continued walking, and just as he was about to reach the curb across Water St., he was struck in the head by two SPD officers carrying night sticks. A short time later the two officers were joined by two other officers who assisted in moving FAILS to a Police Car. While en route to the car FAILS received more blows on the head. At least one was delivered by one of two officers who came to the assistance of the first two. FAILS stated he readily recognized two of the officers who struck him with night sticks. He did not know either of these officers by name but felt certain he could identify both. FAILS was under the impression he was struck 4-5 times with night sticks from the time he was told he was under arrest until he was put into the police car. He indicated he was groggy from the blows after they were delivered and to the best of his knowledge he was taken directly to the hospital.

FAILS acknowledged consuming $\frac{1}{2}$ pint of liquor between 1:30 PM and 3:30 PM on Sunday, March 7, 1965, and stated he felt the effects of the alcohol which made him feel "nice". He added he offered no resistance to the arresting officers and did

On 3/8/65 at Selma, Alabama File # MO 44-1235

by SA JOSEPH M. CONLEY and
SA LAWRENCE D. KENNEDY/is Date dictated 3/22/65

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not know with what he was being charged. He indicated he may have said something to the arresting officers, but could not remember exactly what.

FAILS stated that he did not desire to furnish a signed statement but certified the information he furnished was true and correct to the best of his knowledge.

The following description was obtained through observation and interview:

Name	REHMOND FAILS
Race	Negro
Sex	Male
Date of birth	August 16, 1932
Place of birth	Dallas County, Alabama
Height	5' 5"
Weight	160 lbs.
Eyes	Brown
Hair	Black
Scars	1" scar base of right index finger
Residence	2029 Eugene Avenue
Married	Wife - PEARLIE MAE FAILS
Children	Step daughter IDA MAE SMILEY' (age 6)
Son	ALONZO FAILS
Occupation	Porter
Employed at	Adler Furniture Co., Franklin and Water Streets, Selma.
Education	11 years
Military service	U. S. Army (March 1953 to March 1955) US 53166215 Honorable Discharge.

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Sister MICHAEL ANN, Supervisor of Nurses, Good Samaritan Hospital, produced records reflecting that REHMOND FAILS had been admitted to the hospital on March 8, 1965, and was treated for 6 lacerations of the head, each requiring sutures.

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by SA JOSEPH M. CONLEY and
SA LAWRENCE D. KENNEDY/lr Date dictated 3/22/65

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Captain J. WILSON BAKER, Public Safety Director, City of Selma, Alabama, advised that he was present near the corner of Broad and Water Streets, Selma, Alabama, on afternoon of March 7, 1965, when two of his Officers, MARVIN SUMMERLIN and JOHN HILL, brought a Negro male to him named REHMOND FAILS. Captain BAKER said FAILS had gone completely wild and was trying to get across the Pettus Bridge to the State Troopers on the other side who were dispersing crowd of civil rights marchers. BAKER said FAILS called him by name and recognized him. When Captain BAKER asked FAILS if he, BAKER, released him would he return to the Church, FAILS replied "no sir; the only way you can keep me from going across that bridge is to kill me or lock me up". BAKER then arrested FAILS and ordered SUMMERLIN and HILL to turn FAILS over to Patrolcar Officers FRANK BARR and CHARLES McMILLIAN in order to transport FAILS to jail for refusing to obey lawful command of an officer. Captain BAKER said that actually he wanted FAILS out of there for his own safety because it was a very touchy situation including hundreds of Negroes who were on the verge of a riot at that time.

BAKER said he watched while BARR and McMILLIAN tried to load FAILS into their police car and saw FAILS turn around and swing at Officer BARR but could not tell if FAILS hit him. He said he saw Officer McMILLIAN poke at FAILS with his night stick and he believed that FAILS hit BARR or grabbed him a second time. Then he saw Officer BARR hit FAILS with his night stick knocking him down and he believed BARR might have hit him another time because he observed FAILS continued fighting with the Officers. BAKER immediately went over to the car and saw that FAILS had been cut and he instructed the officers to take him to Good Samaritan Hospital for treatment.

Captain BAKER said FAILS was charged in addition with assault on Officer FRANK BARR. He was returned to jail after treatment at the hospital.

BAKER said FAILS was tried and convicted of refusing to obey lawful command of an officer and fined \$57 on this charge.

On 3/20/65 at Selma, Alabama File # MO 44-1235

by SA DANIEL D. DOYLE and
SA JOHN H. LUPTON/ljs

Date dictated 3/22/65

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The assault case matter was continued at the request of the attorney and FAILS in on bond.

Captain BAKER added that FAILS was acting in such a way at this time as to cause a riot and that he and his men were holding back hundreds of Negroes all of whom were trying to get across the bridge. He said it was absolutely necessary that he do something to subdue FAILS because of the explosive situation at that time.

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Date March 22, 1965"Selma, Alabama"March 20, 1965

"I, Frank Barr make the following free and voluntary statement to John H. Lupton and Daniel D. Doyle who have identified themselves to me as Special Agents of the Federal Bureau of Investigation. No threats or promises have been made to me and I know I do not have to make any statement. I know that I am entitled to the services of an attorney and I know that any statement I make may be used against me in court.

"I was born May 3, 1908 and reside at 615 Barrington Street, Selma, Alabama. I have been an officer of the Selma Police Department for seventeen years and have the rank of Patrolman, Badge #69.

"On March 7, 1965, at approximately 3:30 PM my partner Charles Mc Millian and I were in our police car on Water Street in front of the Dallas Seed and Feed Store. Officers Hill & Summerlin brought a Negro male, whose name I later learned is Raymond Fails, to our car. Mr. Wilson Baker was also nearby and told us to take Fails to the City Jail as he was under arrest. I was standing outside our car - opened the rear door and ordered Fails into the back seat. I told him three times to get into the car. Then, since he had refused to move, I pushed up against him to push him into the rear seat, so I could get in beside him. He turned and hit me with his fist, in the left shoulder, turning me around. I stepped back and hit him once in the top of the head with my night stick. Fails then grabbed my coat and kept fighting. My partner Charles Mc Millian then hit Fails with his night stick on the head, knocking him loose. Fails was still trying to get back to fight me so I hit him again, a second time, and knocked him to the ground.

On 3/20/65 at Selma, Alabama File # MO 44-1235
by SA DANIEL D. DOYLE and
SA JOHN H. LUPTON JHL/mjr 3/22/65
Date dictated

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We then loaded him into the car and took him to the hospital; namely the Good Samaritan Hospital in Selma, where we left him for treatment. He was charged with assault on an officer in connection with this event. He was already under arrest when I first saw him.

"I wish to state that Fails acted like a crazy man and there was also a strong odor or alcohol about him but I do not know if he was actually intoxicated. I only used enough force to subdue him to take him to jail.

"I have Read this statement of this page & one other page_ it is true

"/s/ Frank Barr

"Witnesses:

"/s/ John H. Lupton, Special Agent, FBI, Mobile, Alabama 3/20/65

"/s/ Daniel D. Doyle, Special Agent, FBI, Mobile, Ala., 3/20/65."

The following description was obtained through interview and observation:

Name:	FRANK BARR
Race:	White
Sex:	Male
Date of Birth:	May 3, 1908
Place of Birth:	Marengo County, Alabama
Height:	6' 2"
Weight:	210
Hair:	Grey
Eyes:	Brown - wears glasses
Residence:	615 Barrington Avenue, Selma, Alabama
Employment:	Selma Police Department 17 years, Badge #69

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Date 3/22/65

"Selma, Alabama
March 20, 1965

"I, Charles R. McMillian, make the following free and voluntary statement to John H. Lupton and Daniel D. Doyle, who have identified themselves to me as Special Agents of the Federal Bureau of Investigation. No threats or promises have been made to me and I know I do not have to make any statement. I have been advised of my right to call an attorney. I know that any statement I make may be used against me in court.

"I was born June 16, 1938, at Selma, Ala., and I reside at 1113 8th Avenue, Selma. I have been a patrolman on the Selma Police Dept. for one year, badge #105.

"On March 7, 1965, at approximately 3:30 PM my partner Frank Barr and I were in our police car on Water Street in front of Dallas Feed and Seed Store. Officers Hill & Summerlin brought a Negro male over to our car and Capt. Wilson Baker instructed us that the man was under arrest and for us to take him to the city jail. I heard Mr. Barr ask the man to get into the car and he refused. I had turned around to go back to help control the mob and I heard a scuffle. When I turned around I saw that the Negro man, whom I later learned is named Fails, had Mr. Barr by the coat & collar & had pulled Mr. Barr to him. I then hit Fails on the head with my nightstick, knocking him loose from Mr. Barr. Fails then attempted to grab Mr. Barr again and Mr. Barr hit him with his nightstick, knocking him to the ground. We then loaded Fails into the car & took him to Good Samaritan Hospital, Selma, for treatment.

On 3/20/65 at Selma, Alabama File # Mobile 44-1235
by SA JOHN H. LUPTON, and
SA DANIEL D. DOYLE /bah Date dictated 3/20/65

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"I noticed a strong odor of alcohol on Fails who was acting crazy and fighting like a crazy man. Only necessary force was used to subdue him & to protect ourselves.

"I have read this statement, consisting of this page, and one other page, and it is true.

/s/ "Charles Ross McMillian

"Witnesses:

/s/ "John H. Lupton, Special Agent, F.B.I.,
Mobile, Alabama, 3/20/65

/s/ "Daniel D. Doyle, Special Agent, F.B.I.,
Mobile, Ala., 3/20/65

The following description was obtained from observation and interview:

Name	CHARLES ROSS McMILLIAN
Race	White
Sex	Male
Date of Birth	June 12, 1938, at Selma, Alabama
Height	6'
Weight	185 pounds
Hair	Brown
Eyes	Brown
Employment	Selma Police Department, patrolman, one year, badge #105
Residence	1113 8th Avenue, Selma, Alabama.

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Sgt. HARVEY WATKINS, Identification Officer, Selma Police Department, Selma, Alabama, produced an arrest record dated March 7, 1965, as follows:

REHMOND FAILS, a Negro male, age 32, of Selma, Alabama, was charged with refusing to obey lawful command of officer and was also charged with assault and battery on Officer F. M. BARR. Sgt. WATKINS said the record indicated FAILS has paid fine of \$57 on the refusal charge and that the assault and battery charge is still pending.

The arrest record submitted by Officers M. SUMMERLIN; HILL; BARR; and MC MILLIAN reflects as follows:

"WAS GOING WEST ON WATER TOWARD PETTUS BRIDGE FROM WASHINGTON ST WHILE DEMONSTRATORS WAS RETURNING TO TOWN FROM ACROSS RIVER. WAS YELLING AND CALLING TO NEGROES. WAS TOLD BY OFFICERS THAT HE COULD NOT GO BACK AND TO RETURN WITH HIS CROWD. HE REFUSED AND WAS PLACED UNDER ARREST BY OFFICERS HILL AND MARVIN SUMMERLIN. HE WAS THEN TURNED OVER TO OFFICERS BARR AND MCMILLIAN FOR TRANSPORTATION TO HEADQUARTERS. WHILE ATTEMPTING TO GET FAILS INTO THE THE POLICE CAR, FAILS TURNED AND ATTACKED OFFICER BARR. FAILS WAS HIT WITH CLUB BY BOTH OFFICERS BARR AND MCMILLIAN."

The following is a handwritten report made by Officer MC MILLIAN in this matter:

"Emund Fails age 32 C/male was arrested by Officers Hill and Summerlin and turned over to Officer Barr and McMillian and Steinninder to carry to Police Hds and put in jail.

"Officer Barr open rear door of Police car and told Fails to get in, Fails did not move. Officer Barr asked Him again to get into Police car. Still Fails refused, then Officer Barr attempted to Push Fails into Back Seat of Police car, at this Fails

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"attacted Officer Barr, pushing him back and swinging fist at him. Officer Barr then Hit Fails in Head with night stick, But Fails continued Fighting and grabbed Officer Barr by his collar. Officer McMillian then hit him with night stick. He then turned Officer Barr a loose, and Officer Barr Hit Him again and this time He stopped fighting.

"He was carried to Good Samaritan Hssp. By Officer of Car #33 and put on stretcher and taken to Emergency Room and treated for Possible Fracture Scull, and cut on Head."

In addition Sgt. WATKINS made available fingerprint card for REHMOND FAILS which reflects the following information:

Name	REHMOND FAILS
Race	Colored
Sex	Male
Date of birth	August 16, 1932
	Dallas County, Alabama
Height	5' 5"
Weight	160 lbs.
Hair	Black
Complexion	Black
Eyes	Brown
Build	Medium
Police Department#	Selma PD 11255, dated March 7, 1965
Fingerprint	
Classification	12 0 5 U 000 14 I 17 U 000
Residence	2029 Eugene Avenue
Employed	Adler Furniture Co.
Wife -	PEARLIE MAE FAILS, 2029 Eugene Avenue
Parents	Deceased
Brothers	JIMMY FAILS, San Marcos, California THOMAS FAILS, Route 1 (Summerfield) Selma, Alabama FRANKLIN FAILS, San Marcos, California

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Sisters

DOROTHY HOLLOWAY, San Marcos, Calif.
JESSIE PATTERSON, Summerfield, Ala.
NELLIE MAE MORRIS, San Marcos, Calif.
MARGARET FAILS, New York, New York
MARY LOUISE FAILS, Summerfield, Ala.

Sgt. WATKINS advised this is the only record of arrest for FAILS in his department which also includes arrests of the Dallas County Sheriff's Office.

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On March 22, 1965, the facts in this matter were discussed with Departmental Attorney FRANK DUNBAUGH who is on scene at Selma, Alabama. Mr. DUNBAUGH advised that he does not desire any additional investigation in this matter at this time.

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